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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

DAVID ALLEN KNIGHT,

Plaintiff,

vs.

KILOLO KIJAKAZI,<sup>1</sup>  
Acting Commissioner of Social Security,

Defendant.

Case No.: 3:21-cv-0222-CLB

**UNOPPOSED MOTION FOR EXTENSION OF  
TIME TO FILE ANSWERING BRIEF**

**(SECOND REQUEST)**

<sup>1</sup> Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 The parties hereby stipulate by counsel, with the Court's approval, that Defendant shall have a  
2 second extension of time of 45 days to respond to Plaintiff's Motion to Remand up to and including  
3 March 31, 2022. The response is currently due February 14, 2022. In support of this request, the  
4 Commissioner respectfully states as follows:

5 1. Primary responsibility for handling this case has been delegated to the Office of the  
6 Regional Chief Counsel, Region IX, in San Francisco, California (the "Region IX Office").

7 2. Defendant's response to Plaintiff's Merits Brief is currently due February 14, 2022.  
8 Defendant has previously requested one extension of time for this deadline.

9 3. The Region IX Office currently handles all district and circuit court litigation involving  
10 the Social Security program arising in Arizona, California, Hawaii, Nevada, and Guam.

11 4. The Region IX Office employs 44 staff attorneys, of whom of whom 30 are actively  
12 handling civil litigation involving the Social Security program in the eight assigned jurisdictions. Most of  
13 the attorneys who handle program litigation cases have additional responsibilities, such as litigating in  
14 other practice areas described below, acting as Jurisdictional leads, reviewing the work product of junior  
15 attorneys, conducting trainings, and participating in national workgroups. In addition, because of  
16 attorneys taking unexpected leave or resigning, the Region IX Office has had to re-assign dozens of cases  
17 and substitute in new counsel who have had to absorb these re-assigned cases into their existing  
18 caseloads..

19 6. The undersigned attorney is responsible for briefing 7 cases in district court over the next  
20 45 days, and is responsible for reviewing and signing off on another 13 briefs in district court cases to be  
21 drafted by other attorneys within the office. Additionally, the attorney responsible for drafting the brief  
22 in this case is acting as a back-up on matters for a colleague who is on long-term leave.

23 8. Due to the volume of the overall workload within the Region IX Office, neither the  
24 undersigned attorney nor another attorney in the Region IX Office anticipate being able to complete  
25 briefing by the current due date of February 14, 2022. Therefore, Defendant seeks an extension of 45  
26 days, until March 31, 2022, to respond to Plaintiff's Motion to Remand.

WHEREFORE, Defendant requests until March 31, 2022, to respond to Plaintiff's Motion to Remand.

/s/ \*Marc V. Kalagian  
By: MARC V. KALAGIAN  
(\*authorized by email on February 7, 2022)  
Attorney for Plaintiff

/s/ Daniel P. Talbert  
DANIEL P. TALBERT  
Special Assistant United States Attorney

DATED: February 7, 2022

**CERTIFICATE OF SERVICE**

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 160 Spear Street, Suite 800, San Francisco, California 94105. I am not a party to the above-entitled action. On the date set forth below, I caused service of the foregoing **MOTION FOR EXTENSION OF TIME TO FILE ANSWERING BRIEF** on the following parties by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which provides electronic notice of the filing:

**Marc V. Kalagian**  
marc.kalagian@rksslaw.com  
**Leonard Stone**  
lstone@shookandstone.com  
*Attorneys for Plaintiff*

I declare under penalty of perjury that the foregoing is true and correct.

Dated: February 7, 2022

*/s/ Daniel P. Talbert*  
DANIEL P. TALBERT  
Special Assistant United States Attorney